

FILED BY *gk* D.C.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

05 MAY -3 PM 12:07

ROBERT R. DI TROLIO
CLERK, U.S. DIST. CT.
W.D. OF TN, MEMPHIS

MARTIN McCLAIN, individually,
and d/b/a MAC'S PLACE BAR &
GRILL,

Plaintiff,

v.

CITY OF MILLINGTON, TENNESSEE,
a municipal corporation,
TULLY REED, JERRY LADD,
TROY WALLS and MICHAEL WEST,
individually, and in their
official capacities as police
officers for the
City of Millington, Tennessee,

Defendants.

No. 04-2072 M1/V

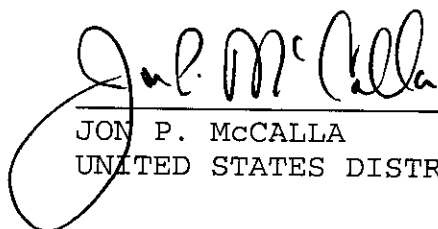
ORDER AFFIRMING THE MAGISTRATE JUDGE'S DECEMBER 21, 2004, ORDER
DENYING PLAINTIFF'S MOTION TO COMPEL

Before the Court is Plaintiff's appeal of a portion of the Magistrate Judge's December 21, 2004, Order Denying Plaintiff's Motion to Compel, filed December 27, 2004. Defendants responded in opposition on January 6, 2005. In particular, Plaintiff appeals the portion of the Magistrate Judge's order denying Plaintiff's motion to compel a response to interrogatory nos. 11 and 14.

Under the Federal Rules of Civil Procedure, this Court may modify or set aside any portion of a magistrate judge's order on

a nondispositive matter if it is clearly erroneous or contrary to law. Fed. R. Civ. P. 72(a). Upon review of the parties' submissions as well as the Magistrate Judge's December 21, 2004, order, the Court concludes that the Magistrate Judge's rulings are not clearly erroneous or contrary to law. Accordingly, the Court AFFIRMS the Magistrate Judge's December 21, 2004, order.

So ORDERED this 2 day of May, 2005.



JON P. McCALLA
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 31 in case 2:04-CV-02072 was distributed by fax, mail, or direct printing on May 4, 2005 to the parties listed.

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Honorable Jon McCalla
US DISTRICT COURT